

RECEIVED
APR 10 2005

**RESPONSE UNDER 37 C.F.R.
§1.116 - EXPEDITED PROCEDURE -
EXAMINING GROUP 2133**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy J. Mousley

Examiner: Joseph D. Torres

Serial No: 10/701,540

Art Unit: 2133

Filed: November 5, 2003

Docket: PHB 34,266C (16860X)

For: CODING DEVICE AND
COMMUNICATION SYSTEM
USING THE SAME

Dated: April 6, 2005

Conf. No.: 8237

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.116

Sir:

Responsive to the final Office Action dated February 24, 2005, Applicant respectfully requests that the Examiner reconsider the above-identified application in view of the following.

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306 on April 6, 2005.

Dated: April 6, 2005


Ralph F. Hoppin

BEST AVAILABLE COPY

400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e-mail: Intprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER**

Fax

RECEIVED
GPA FAX CENTER
APR 6 2005

To: Joseph D. Torres**From:** Ralph F. Hoppin

ART UNIT: 2133

Fax: 703-872-9306**Pages:** (16) pages including cover sheet**Phone:****Date:** April 6, 2005

Re: U.S. Serial No. 10/701,540
Group Art Unit: 2133
Confirmation No: 8237
Docket No: PHB 34,266C (16860X)

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• Comments:

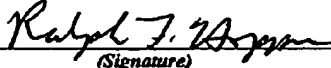
Attached hereto:


1. Certificate of Transmission By Facsimile (in duplicate)
2. Amendment Transmittal Letter (in duplicate)
3. Response Under 37 C.F.R. §1.116

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

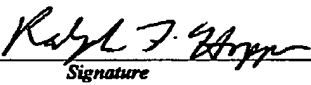
If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Kim Dargie.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Timothy J. Mousley		Docket No. PHB 34,266C (16860X)	
Application No. 10/701,540	Filing Date November 5, 2003	Examiner Joseph D. Torres	Group Art Unit 2133
Invention: CODING DEVICE AND COMMUNICATION SYSTEM USING THE SAME			
<p>I hereby certify that this <u>Response Under 37 C.F.R. §1.116</u> <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u>)</p> <p>on <u>April 6, 2005</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 100px;"> <u>Ralph F. Hoppin, Reg. No. 38,494</u> <i>(Typed or Printed Name of Person Signing Certificate)</i> <u>Ralph F. Hoppin</u> <i>(Signature)</i> </div>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. PHB 34,266C (16860X)	
Applicant(s): Timothy J. Mousley			
Application No. 10/701,540	Filing Date November 5, 2003	Examiner Joseph D. Torres	Group Art Unit 2133
Invention: CODING DEVICE AND COMMUNICATION SYSTEM USING THE SAME			
<p>I hereby certify that this <u>Response Under 37 C.F.R. §1.116</u> <small>(Identify type of correspondence)</small></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u>)</p> <p>on <u>April 6, 2005</u> <small>(Date)</small></p> <div style="text-align: right; margin-top: 100px;"> <u>Ralph F. Hoppin, Reg. No. 38,494</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small> </div>			
Note: Each paper must have its own certificate of mailing.			

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. PHB 34,266C (16860X)	
Applicant(s): Timothy J. Mousley						
Application No. 10/701,540	Filing Date November 5, 2003	Examiner Joseph D. Torres	Customer No. 23389	Group Art Unit 2133	Confirmation No. 8237	
Invention: CODING DEVICE AND COMMUNICATION SYSTEM USING THE SAME						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	25 -	25 -	0	x \$50.00	\$0.00	
INDEP. CLAIMS	4 -	4 -	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: April 6, 2005			
Ralph F. Hoppin Registration No.: 38,494 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence			
CC:						

P11LARGE/REV08

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No.	
Applicant(s): Timothy J. Mousley					PHB 34,266C (16860X)	
Application No. 10/701,540	Filing Date November 5, 2003	Examiner Joseph D. Torres	Customer No. 23389	Group Art Unit 2133	Confirmation No. 8237	
Invention: CODING DEVICE AND COMMUNICATION SYSTEM USING THE SAME						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application.						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	25 -	25 -	0	x \$50.00	\$0.00	
INDEP. CLAIMS	4 -	4 -	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: April 6, 2005			
Ralph F. Hoppin Registration No.: 38,494 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence _____			
CC:						

P11LARGE/REV09

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.